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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,526	08/29/2006	Normand Beaudoin	Ogilvy Renault	5470

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Normand Beaudoin
1 a Sieme Avenue
St - Hippolyte, QC J8A 1C2
CANADA

EXAMINER

DAVIS, MARY ALICE

ART UNIT	PAPER NUMBER
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3748

MAIL DATE	DELIVERY MODE
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02/23/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/573,526

Examiner

MARY A. DAVIS

Applicant(s)

BEAUDOIN, NORMAND

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 06 March 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☒ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☒ C. Other See Continuation Sheet.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Mary A Davis/
Examiner, Art Unit 3748

/Thomas E. Denion/
Supervisory Patent Examiner, Art Unit 3748

Continuation of 1(c) Other: 37 CFR 1.125(c) requires a substitute specification filed under 37 CFR 1.125(a) or (b) be submitted in clean form without markings. An applicant can submit only the sections of the specification that are being amended instead of the entire specification (similar to your previous submissions on March 24, 2006 and April 24, 2006). **A marked-up copy of the substitute specification showing all the changes relative to the immediate prior version of the specification of record must also be submitted.** The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. The paragraphs of any substitute specification, other than the claims, should be individually numbered in **Arabic numerals (for example [0001]) so that any amendment to the specification may be made by replacement paragraph** in accordance with 37 CFR 1.121(b)(1) (this is how you submitted specification revisions on March 24, 2006 and April 24, 2006). A substitute specification filed under 37 CFR 1.125(b) must be accompanied by a statement indicating that no new matter was included. There is no obligation on the examiner to make a detailed comparison between the old and the new specifications for determining whether or not new matter has been added. Currently it appears that the applicant has added additional paragraphs to the specification including additional information relative to a copending application and additional prior art, which is not allowable, since this is new matter. A substitute specification requires the following: the statement as to a lack of new matter under 37 CFR 1.125(b), a marked-up copy of the substitute specification, and a clean copy of the substitute specification. (The specification that was amended on March 2, 2009 was not considered, since another amendment was filed on March 6, 2009).

Continuation of 3(c) Other: The clean version of the drawings filed on March 2, 2009 are missing the Figure designations; for example Figure 1, Figure 2, etc., using 1/57 is confusing, since this appears to be a Page number and not a Figure number. There appears to be a new Figure VI labeled as Prior Art, and a new Figure 4/57 that includes a label of Fig 82, as well as, 105/124 on the drawing. Please indicate why these Figures were added/modified, as well as, remove the additional Figure labeling. Adding a prior art Figure VI is not allowed, since it may contain new matter, and it was not part of the original disclosure. Furthermore, drawing changes need to be supported in the original specification. In addition, please make sure that the specification properly refers to the new numbering in the Summary of the Figures, and any new labels such as 115 (Figure 9) and 1112 (in Figure 20b) need to be in the specification. Figures 37, 38, and 43.2 appear to be new drawings, please provide support for adding this new drawing in the original specification. Furthermore, there were Figures 28-34, in the amendment filed on April 5, 2010. Are these Figures intended to replace Figures 28-34, or are they part of your response to the Office Action?